

**TOWN OF ORANGETOWN PLANNING BOARD  
Virtual Meeting of Wednesday, March 10, 2021**

Thomas Warren, Chairman	William Young, Vice-Chairman
Michael Mandel	Michael McCroly
Andrew Andrews	Robert Dell
Bruce Bond (alternate)	

**MEMBER ABSENT:** Stephen Sweeney and Michael McCroly

**ALSO, PRESENT:** Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; Cheryl Coopersmith, Chief Clerk Boards and Commissions

Thomas Warren, Chairman, called the virtual meeting to order at 7:30 p.m. Mr. Warren read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

<b>11 Tweed Boulevard Site Plan Critical Environmental Area Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review</b>	<b>Postponed by applicant</b>	<b>PB#21-16</b>
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11 Tweed Boulevard, Upper Grandview  
71.09/1/52; R-22 zoning district

<b>Sansone Subdivision Plan Final Subdivision Plan and Final Site Plan Review and Reaffirmation of SEQRA</b>	<b>Final Subdivision Plan and Final Site Plan Approval Subject to Conditions Reaffirmation of SEQRA</b>	<b>PB#21-17</b>
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483 Kings Highway, Sparkill  
74.20/3/5; RG zoning district

<b>SMK Greene Subdivision Plan Final Subdivision Plan Review and Reaffirmation of SEQRA</b>	<b>Final Subdivision Plan Approval Subject to Conditions Reaffirmation of SEQRA</b>	<b>PB#21-18</b>
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318 Western Highway, Tappan  
74.18/2/34; R-15 zoning district

<b>Tappan Plaza Subdivision Plan Final Subdivision Plan Review and Reaffirmation of SEQRA</b>	<b>Final Subdivision Plan Approval Subject to Conditions Reaffirmation of SEQRA</b>	<b>PB #21-19</b>
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77.15/1/33-37 & 41, CS, LIO and  
Route 303 Overlay zoning district

<b>Tappan Plaza Site Plan Final Site Plan Review and Reaffirmation of SEQRA</b>	<b>Final Site Plan Approval Subject to Conditions Reaffirmation of SEQRA</b>	<b>PB #21-20</b>
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77.15/1/33-37 & 41; CS, LIO and  
Route 303 Overlay zoning district

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**March 10, 2021 Planning Board Meeting**

**Other Business: Referral from the Town Board** – The Board reviewed and approved Lead Agency designation to the Town Board for the Proposed Amendment to Chapter 6 and Chapter 43 of the Town Code Accessory Structures. No comments were provided.

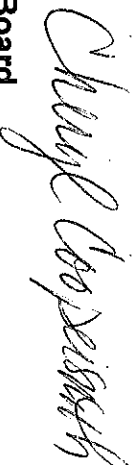
A motion was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, absent; Robert Dell, aye; Michael McCrory, absent; Bruce Bond, aye and Andrew Andrews, aye.

The decisions of the February 24, 2021 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, absent; Robert Dell, aye; Michael McCrory, absent; Bruce Bond, aye and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 10:00 p.m. The next Planning Board meeting is scheduled for April 14, 2021.

**DATED: March 10, 2021**

**Cheryl Coopersmith  
Town of Orangetown Planning Board**



311310 S.KR3710 NAO1

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**PB #21-17: Sansone Subdivision Plan  
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Subject to Conditions  
Reaffirmation of SEQRA**

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**TO: Steven Griffin, 27 Sunrise Lane, Pearl River, New York, 10965  
FROM: Orangetown Planning Board**

**RE: Sansone Subdivision Plan:** The application of Steven Griffin, applicant, for Griff Construction, for Final Subdivision Plan Review and Final Site Plan Review, at a site to be known as “**Sansone Subdivision & Site Plan**” in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21& 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 483 Kings Highway, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.20, Block 3, Lot 5 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, March 10, 2021**, at which time the Board made the following determinations:

Steven Griffin, Paul Gdanski, Luke Petrocelli and Lino Sciarretta appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated March 8, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 9, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, dated March 8, 2021.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 10, 2021.
5. Project Narrative prepared by the applicant, dated February 17, 2021.
6. A notice from Suez, signed by Bill Prehoda, dated February 11, 2021.
7. An email from Grant Parrish, dated February 12, 2021.
8. A letter from Shirey and Grant Parrish, dated February 11, 2021.
9. An email from Peter McGarrigle, 4 Dederer Street, dated March 10, 2021.
10. A copy of Planning Board #20-56, Preliminary Subdivision Plan Approval Subject to Conditions, Neg. Dec., dated January 13, 2021.
11. Percolation Test Results, prepared by Fairway Testing, dated January 19, 2021.

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12. Subdivision Plan prepared by Paul Gdanski, P.E., dated September 15, 2020, last revision dated of January 25, 2021:
- 1 of 4: Subdivision Plan
  - 2 of 4: Grading, Utility and Soil Erosion Plan
  - 3 of 4: Detail Sheet
  - 4 of 4: Drainage Areas, Calcs & Profiles
13. House Elevations prepared by Luke Petrocelli, RA:
- A 201.00: Lot #1
  - A 201.00: Lot #3
  - A 201.00: Lot #4
  - 3D 101.00: Exterior Perspectives

The hearing was then opened to the Public.

**Public Comment:**

Carl Weise, 490 Kings Highway: requested that the Board consider reducing the subdivision by one lot, making it a 3-lot subdivision. Haring Street is a tiny street with a traffic problem and additional car traffic will increase the current situation. He recounted a recent situation when emergency vehicles had difficulty accessing the roadway.

Grant Parrish, an abutting property owner: requested clarification regarding the number of driveways accessing Haring and number accessing Kings Highway. A lot proposed to access Kings Highway still appears to have access to Haring on the plan.

Cellia Hickey, 5 Haring Street: raised concerns regarding a large tree on the site, wanted to know if it would be removed.

Jim Sauter, Kings Highway: noted that the tree his neighbor spoke about was large and borders on his driveway. It is not in good shape and could be taken down. He also noted that lot #2 driveway was to be removed, however the curb cut still appears on the plan. Mr. Sauter also requested the process in which the house plans would be reviewed by the Town Boards.

Larry Vale, 389 Kings Highway: requested that the existing house be saved and renovated. However, if renovation is not possible and the developer wants to demolish the house, then it should be a condition of the Board that prior to the granting of a demolition permit, the applicant reappear in front of the Planning Board.

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Richard Weigand, an area resident: raised concerns regarding drainage runoff onto his property. He held that the plan notes a large Hickory tree between his lot and McGarrigle lot, but it is actually on lot 4 of the proposed subdivision. Mr. Weigand requested that a berm be placed between his lot and lot #4 of proposed subdivision.

Peter McGarrigle, 4 Dederer Street: thanked the board for consideration of removal of a tree and agreed with the placement of a berm between the lots, as Mr. Weigand requested.

There being no one else to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Bruce Bond and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Stephen Sweeney, absent; Bruce Bond, aye; Robert Dell, aye and Michael McCrory, absent.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (a1) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Michael Mandel and second by William Young and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Stephen Sweeney, absent; Bruce Bond, aye; Robert Dell, aye and Michael McCrory, absent, the Board declared itself Lead Agency.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning

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Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Highway Department, Rockland County Drainage Agency, Rockland County Sewer District #1, and having reviewed the drawings presented by Paul Gdanski, P.E., summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Bruce Bond and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Stephen Sweeney, absent; Bruce Bond, aye; Robert Dell, aye and Michael McCrory, absent; the Board made a Negative Declaration pursuant to SEQRA.

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**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **Final Subdivision Plan Approval** and **Final Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the site plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. As per Condition #3 of PB#20-56, dated January 13, 2021:  
A motion was made to waive the need to appear in front of the Town of Orangetown Architecture and Community Appearance Board for review of the Subdivision and only appear at the time for Site Plan Review. The motion was made by Michael Mandel and second by Andrew Andrews and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Stephen Sweeney, aye; Bruce Bond, abstain; Robert Dell, aye and Michael McCroy, aye.
4. The Long Environmental Assessment Form appears to be in order.
5. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the Inspector.
6. The applicant shall comply with all pertinent and applicable conditions of PB#20-56, Preliminary Subdivision Plan Approval Subject to Conditions, dated January 13, 2021.
7. Post construction stormwater maintenance agreements for the proposed subsurface stormwater systems (drywells) shall be submitted to DEME and the Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contract person with telephone number, yearly report to be submitted to DEME, etc. (post construction stormwater maintenance agreements for lots #1, #2, #3, and #4.

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8. The revised drainage calculations shall be submitted on 8 ½ x 11 sheets. Also, the percolation rate used for the Lot #1 drywell is incorrect. According to the Perc test results, the perc rate is 14 inch/hr. not 12. The calculations shall be revised accordingly.
9. The overflow piping from the proposed drywell on Lot #1 is currently shown emptying onto the Kings Highway/ Kings Highway Right of Way, this is unacceptable. A catch basin shall be added to the south side of Kings Highway, west of the proposed driveway for Lot #1 in the area of where the overflow piping is currently shown. The drywell overflow shall be tied directly into this basin. This basin shall then be tied into the catch basin diagonally across Kings Highway, along the west side intersection with Lamram Road. The pipe connecting the two basins shall be a minimum of 15 inch in diameter. A profile of said piping and new basin shall be added to the plans.
10. The overflow piping for the drywell on Lot #4 is proposed to exhaust heading west towards the property line. Even though a small swale is proposed at the very back of Lot #1, the proposed and existing contours shown on the drawing clearly indicate that any overflow from the drywells on Lots #3 and #4 will end up, on the neighboring properties to the south (74.20-3-54 & 4.) This is unacceptable. The applicant's engineer shall design a system that captures any potential overflow from the drywells on Lots #3 and #4 and direct them and connect them to the required basin along Kings Highway.
11. The proposed sanitary house connection for Lot #1 shall be west of the existing manhole, not east of it as currently shown.
12. A detail for the proposed sanitary house connection to the existing sanitary mains shall be added to the drawings.
13. The proposed cleanouts along the drainage piping from the trench drains to the drywells on Lot #3 and #4, shall be shown in their respective profiles.
14. The proposed sanitary house cleanouts shall be more defined on the drawings.
15. Soil erosion and sediment controls shall be depicted along all of the proposed driveway removal from Lots #2 and #3.
16. A detail for the proposed inlet protection SESC feature shall be added to the drawings.

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17. Monuments shall be drawn and labeled at all subdivision corners and along the entire Right of Way.
18. Iron pins shall be drawn and labeled at each property corner.
19. Copies of all correspondence (including any and all approvals) with the New York State Department of Environmental Conservation, U.S. Army Corps. Of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed subdivision, shall be supplied to the Planning Board and DEME, prior to signing the map.
20. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted plans and had no comments at this time.

**21. Drainage Review Recommendation – Brooker Engineering**

The Drainage Consultant to the Planning Board, Brooker Engineering has reviewed the submitted information and found that sufficient information to demonstrate that potential significant adverse impact with respect to drainage can be mitigated. Brooker Engineering therefore recommends that the Sansone Subdivision be approved for drainage subject to the following Project Comments.

This is the third drainage review report for this project; the last review was dated January 11, 2021. The project consists of a four-lot subdivision located at the southwest corner of Kings Highway and Haring Avenue. The overall parcel contains an existing dwelling that will remain on proposed Lot 2. Portions of the existing driveway and detached garage will be removed. The land is lightly wooded and slopes downhill to the north towards Kings Highway.

The proposed construction adds 5,842 square feet of new impervious area and proposes three 6-foot diameter drywells surrounded by three feet of crushed stone for stormwater mitigation. Soil percolation tests were performed by Fairway Testing on October 2, 2020 and yielded a percolation rate of 13.75 inches per hour.

For this submission, a swale has been added along the west (downhill) property line. Stormwater runoff overflows from the drywells will be conveyed to Kings Highway. Surface water runoff is directed to the downhill properties to the west under existing conditions will be reduced as a result of the project.

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**Continuation of Condition #21...**

**Project Comments**

1. For ease of construction inspection, show the overall depth of the drywells on the Drywell Detail.
  2. Coordinate the "2 Seepage Pit System I" Detail with the Grading and Utility Plan.
  3. Coordinate the overflow pipe from the drywell shown on the Profile with the Grading Plan.
  4. The Swale Detail shows a 2.5-foot deep by two feet wide swale. The width of the swale shall be increased to provide a reasonable side slope.
  5. The proposed swale along the western property line is labeled on the Grading Plan. Show the grading of the swale with proposed contours on the Grading Plan that coordinate with the dimensions on the swale detail.
22. If renovation of the existing house on Lot #2 is not possible and the property owner wants to demolish the house, the applicant shall return to the Planning Board and request a Demolition Permit and a Building Permit to rebuild a new structure.
23. The Planning Board grants permission to the applicant to remove Tree #20 and Tree #21, as noted on the submitted plan.
24. The Town of Orangetown Office of Recreation & Parks requires that pursuant to the Orangetown Zoning code Section 21-20.E, that the Planning Board waive the requirement for the reservation of parkland and condition approval on the payment of **\$27,000.00** in lieu of parkland. Funds shall be made available prior to stamping of the subdivision plan.
25. The Rockland County Drainage Agency Review the plans and found that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.
26. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to **Town Code §21**. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of **Subdivision Plan Approval pursuant to Town Code §21 and §6A**.

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27. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to **Town Code §21A-9**. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of **Site Plan Approval** pursuant to Town Code §21A-4.

28. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivisions and the Preparation of Site Plan and Board Decisions prior to signing the final plans.

29. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan and Site Plan.

30. **TREE PROTECTION:** The following note shall be placed on the Subdivision/Site Plan:

The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - One (1) foot radius from trunk per inch DBH
  - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
    - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

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**Continuation of Condition #30...**

- Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.  
The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

**31.** All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

**32.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

**33.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

**34.** If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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35. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

36. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

37. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

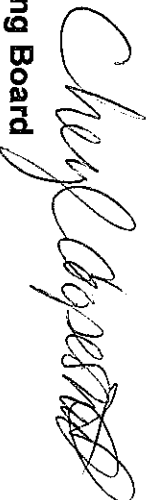
The foregoing Resolution was made and moved by Bruce Bond and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Stephen Sweeney, absent; Bruce Bond, aye; Robert Dell, aye and Michael McCrory, absent.

The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

**Dated: March 10, 2021**

**Cheryl Coopersmith**

**Town of Orangetown Planning Board**



OFFICE S. KRISTINA M. O'NEILL

12:11 V 12 APR 2021

ORANGETOWN PLANNING BOARD

**PB #21-18: SMK Greene Subdivision Plan  
Final Subdivision Plan Approval  
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Reaffirmation of SEQRA**

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**TO: Jay Greenwell, 85 Lafayette Avenue, Suffern,  
New York, 10901  
FROM: Orangetown Planning Board**

**RE: SMK Greene Subdivision Plan:** The application of SMK Home Builders, owner, for Final Subdivision Plan at a site to be known as "**SMK Greene Subdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 318 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 2, Lot 34; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, March 10, 2021**, at which time the Board made the following determinations:

Board Member Robert Dell recused himself from the proceedings of this item.

Jay Greenwell and Sean Keenan appeared and testified.  
The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated March 8, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 9, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated March 8, 2021.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated March 9, 2021.
5. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 1 & March 10, 2021.
6. Letters from Rockland County Health Department, signed by Elizabeth Mello, PE, dated July 3, 2020.
7. A notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated February 19, 2021.
8. An Email from Orange and Rockland Utilities, from Alfred Gaddi, PE, Principal Engineer, dated February 22, 2021.

3011FFD S.KR373 MA01  
12:11 V 12 APR 1702  
MA013DNVRO JO MA01

**PB #21-18: SMK Greene Subdivision Plan  
Final Subdivision Plan Approval  
Subject to Conditions  
Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision  
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9. Project Narrative submitted by Jay Greenwell, PLS.
10. Hydraulic Analysis and Stormwater Design Calculations, prepared for SMK Greene Subdivision, prepared by Paul Gdanski, P.E., dated January 11, 2020, last revised December 3, 2020.
11. Subdivision Plan prepared by Jay Greenwell, PLS, dated July 10, 2020, revised January 25, 2021, unless noted:
  - Sheet 1: Subdivision of Property for SMK Greene
  - Sheet 2: Grading, Drainage & Utility Plan
  - Sheet 3: Erosion Control/ Limit of Disturbance for SMK Greene
  - Sheet 4: Detail Sheet for SMK Greene
  - Sheet 5: Existing Conditions, dated January 25, 2020
12. Copies of the following Board Decisions:
  - ACABOR #20-75, Approved as Presented, dated December 3, 2020
  - PB #20-48, Compliance with PB#20-20, Preliminary Subdivision Approval, dated November 12, 2020
  - Planning Board Amendment to PB#20-20, dated September 17, 2020
  - ZBA #20-57, Street Frontage Variance for Lot #4 Approved, dated September 16, 2020
  - PB #20-20, Preliminary Subdivision Approval subject to Conditions/ Neg. Dec., dated June 24, 2020

The hearing was then opened to the Public.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Andrew Andrews and second by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Robert Dell, recused; Stephen Sweeney, absent; Andrew Andrews, aye, Michael McCrory, absent and Bruce Bond, aye.

**Reaffirmation of SEQRA:**

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (a) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

12:11 V 12 04V 1707

MM01EGNVRO JO MM01

**PB #21-18: SMK Greene Subdivision Plan  
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown); Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Highway Department, Rockland County Highway Department, Rockland County Department of Planning, Rockland County Sewer District #1, and having reviewed the drawings presented by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

OFFICE OF SHERIFF MAOL  
22:11 A 12 APR 1202  
TOWN OF ORANGETOWN



**PB #21-18: SMK Greene Subdivision Plan  
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**Town of Orangetown Planning Board Decision  
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On motion by Michael Mandel and seconded by Bruce Bond and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Andrew Andrews, aye; Bruce Bond, aye; Michael Mandel, aye; Robert Dell, recused; Stephen Sweeney, absent and Michael McCrory, absent, the Board made a Negative Declaration pursuant to SEQRA.

**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **Final Subdivision Approval Subject to the Following Conditions:**

1. The following note shall be placed on the site plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: ACABOR #20-75, Approved as Presented, dated December 3, 2020; PB #20-48, Compliance with PB#20-20, Preliminary Subdivision Approval, dated November 12, 2020; Planning Board Amendment to PB #20-20, dated September 17, 2020 ; ZBA #20-57, Street Frontage Variance for Lot #4 Approved, dated September 16, 2020 and PB #20-20, Preliminary Subdivision Approval subject to Conditions/ Neg. Dec., dated June 24, 2020.
4. It is required that each individual house and site plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
5. The Full Environmental Assessment Form appears to be in order.
6. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the Inspector.

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**PB #21-18: SMK Greene Subdivision Plan  
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7. The applicant still needs to comply with PB Decision #20-20, conditions:

#7: The Drainage calculations – the total area of disturbance shall be added to the project narrative. Also, installation and maintenance instructions for the Cultec system shall be added to the calculations.

#9: Soil Borings – No information provided in drainage calculations.

“PB#20-20: #9. Soil borings, perc tests and determination of groundwater elevations shall be performed at ALL of the proposed subsurface stormwater facilities. These tests/ investigations shall be performed in the spring when the ground water table is typically at its highest. This shall be done **PRIOR** to this proposal receiving **Final Approval** and the information/ test results/ evaluations shall be added to the drainage calculations. Copies of all correspondence related to this issue shall be submitted to DEME and the Building Department for review and approval.”

#10. Emergency overflow facilities shall be designed and depicted for all of the proposed subsurface stormwater control facilities. This may require adding additional catch basins/ piping to Greene Road/ Independence Avenue/ Western Highway.

#12. Post construction stormwater maintenance “agreements”, - for each lot, for the proposed stormwater system shall be submitted to DEME and the Orangetown Town Attorney’s Office for review and approval. These agreements/ requirements shall be added as addenda (or equivalent) to the deeds for each lot. Proof that these agreements are made part of each deed will be submitted to the Town Attorney’s office and DEME. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be performed, saved by the property owner and available for inspection and review by DEME upon request.

#14. The proposed sanitary cleanout for Lot #3 shall be installed on the existing/ new lateral, not offset as currently shown on the drawings.

8. The proposed overflow piping from the design Cultec chambers on Lots #1 and #2 show the runoff heading uncontrolled into the Right-of-Way of Independence Avenue. This is unacceptable. The runoff piping from these lots must tie into the drainage system on Independence Avenue. Also, the other 3 Lots (3, 4 & 5) just have any overflows from their respective Cultec systems, run overland (as per detail on Sheet 4) and either onto neighboring properties (e.g. Lots 4 & 5) or into the Right of Way of Western Highway (Lots 3 & 4.) This too is unacceptable. The runoff from ALL subsurface drainage systems must be control and tied into an existing stormwater system.

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9. The catalogue cuts for the specific Cultec systems shall be added to the drainage calculations. This information was supplied with the previous calculations.
10. Inspection ports, with their respective elevation, shall be depicted on all proposed Cultec chambers on Sheets 2 & 3. Top and invert elevations for each Cultec shall be added to Sheets 2 & 3 as well.
11. The "Roof Leader with Surcharge Pipe for Overflow from Cultec" detail shall be revised to show a cleanout prior to the pipe's connection to the Cultec Chamber. Also, the top and invert elevation for every drainage cleanout shall be added to the drawings.
12. Profiles for all proposed drainage facilities (including through the proposed Cultec systems) and sanitary house connections for Lots 2, 3, & 4 shall be added to the plans.
13. Top & invert elevation for all trench drains shall be added to the plans.
14. The applicant's engineer shall explain why the previously proposed catch basin at the back of the driveway for proposed Lot 5, has been removed from the current design. This information shall be added to the drainage calculations.
15. The trench drain proposed for the driveway of Lot #4 shall be moved east in the driveway, closer to the property line/Right-of-Way.
16. The test pit locations shall be added to Sheet 2.
17. It appears that a sanitary cleanout is missing for sanitary house connection for Lot #5, just inside the property line along Greene Road.
18. The applicant shall contact the Orangetown Highway Department to see if sidewalks are required along Greene Road and Independence Avenue. The Highway Department's determination shall be in writing.
19. The proposed monument and iron pin symbols shall be added to the legends on Sheet 1 & 2. Also, it appears that a proposed monument is missing along the curve/ intersection of Green Road and Independence Avenue along proposed Lot #1.
20. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no comments at this time.

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**PB #21-18: SMK Greene Subdivision Plan  
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**Town of Orangetown Planning Board Decision  
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**21. Drainage Review Recommendation- Brooker Engineering**

The Drainage Consultant to the Planning Board, Brooker Engineering, held that the proposed action has provided sufficient drainage information that demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and therefore recommends that the SMK Greene Subdivision be approved for drainage subject to the following comments.

**Project Description**

This is the second drainage review report for this application, the last review was dated April 26, 2020. The property is located at the southwest corner of the intersection of Independence Avenue and Western Highway and has frontage along Greene Road on the west side of the parcel. The site is wooded, with an existing single-family home in the center of the site and driveways to both Greene Road and Western Highway. All existing impervious area is proposed to be removed. The site has a moderate downhill slope to the east.

The proposed action will remove all existing impervious area and subdivide the property into five single family residential lots in an R-15 zoning district. No road extensions or public improvements are required for the proposed configuration. All lots propose individual underground detention units to provide stormwater mitigation for the individual lots, which are to be maintained by the individual homeowners. Soil percolation tests have been performed throughout the site which yielded a high infiltration rate of 26-29 inches per hour; 20 inches per hour were used in the drainage calculations.

**Project Comments**

1. As per the April 26, 2020 review, the drainage report shall have subarea maps for existing and proposed conditions. The subarea map for proposed conditions shall evaluate how overflows from the uphill subareas will contribute to the downhill detention systems.
2. As per the April 26, 2020 review, invert, top of pipe, and stone elevations shall be added to the profile for each detention system on Sheet 4. This information shall be added to the Grading Plan.
3. As per the April 26, 2020 review, show footing drains for each building.
4. As per the April 26, 2020 review, the maintenance schedule and procedures shall be provided on the Subdivision Drawings. Provisions for isolating debris and leaf litter prior to entering the Cultec systems shall be included in the design. Since the calculations utilize the high infiltration rate from the field testing, specific design provisions shall be made to ensure the infiltration rate will remain viable long term.

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**PB #21-18: SMK Greene Subdivision Plan  
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**Continuation of Condition #21...**

5. Test pit information showing separation to groundwater and perc rate information shall be shown on the Grading Plan.
6. Supporting data from the manufacturer for the volume size for the Cultec system shall be included in the drainage report.

**22. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:**

1. As required by the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
2. An updated review must be completed by the Rockland County Highway Department. In addition, the applicant must comply with the comments made in its letter of March 11, 2020.
3. An updated review must be completed by the Rockland County Department of Health. In addition, the applicant must comply with the comments made in its letter of September 11, 2020.
4. Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
5. There shall be no net increase in stormwater runoff from the site.
6. Water is a scarce resource in Rockland County; thus, proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. All major subdivision, i.e. those with five or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the county clerk. RCDOH is mandated by New York State Law to ensure that such subdivision will have both an adequate and satisfactory sewerage facilities. RCDOH must also review and approve all public water supply improvements, e.g. water main extensions, including those required to serve a proposed major subdivision. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

7. Public sewer mains requiring extension, within 42 Right-of-Way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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**PB #21-18: SMK Greene Subdivision Plan  
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**Town of Orangetown Planning Board Decision  
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23. The Rockland County Department of Highways (RCHD) reviewed the plans and information and offered the following comments:
- The entrance driveway shall be placed on least traveled public roadways to minimize traffic conflicting points.
  - The driveway entrance on Western Highway (County Highway) shall not be placed closer than 35 feet to the intersection of Western Highway and Independence Avenue.
  - Private development adjacent to public roads will not be allowed to significantly increase either the runoff velocity or rate of runoff as it enters the public road drainage system.
  - The strip of area as noted in the subdivision map shall be dedicated to the Count of Rockland for inclusion in the highway system prior to recording the subdivision map, if it is approved by the Town.
24. The Rockland County Department of Health (RCDOH) reviewed the submitted information and offered the following comments:
- Realty subdivision application is to be made to this office.
  - Application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.
25. Orange and Rockland Utilities (O&R) reviewed the submitted information and offered the following comment:
- O&R has 2 gas services feeding existing dwellings from Western Highway. The developer shall contact O&R's new business department for service terminations and relocations prior to the work. All code 753 rules must be followed.
26. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.
27. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivisions and Board Decisions prior to signing the final plans.
28. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

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**29. TREE PROTECTION:** The following note shall be placed on the Subdivision Plan:

- The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
- a. No construction equipment shall be parked under the tree canopy.
  - b. There will be no excavation or stockpiling of earth underneath the trees.
  - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
  - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
    - One (1) foot radius from trunk per inch DBH
    - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
      - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
      - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

**30.** All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

**31.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

CELESTE S. KERTZ  
MARCH 10, 2021  
22:11 V 12 APR 1702  
MAYOR OF ORANGETOWN

**PB #21-18: SMK Greene Subdivision Plan  
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Subject to Conditions  
Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision  
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**32.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

**33.** If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).

**34.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

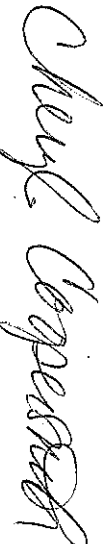
**35.** Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

**36.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Michael Mandel and second by Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Andrew Andrews, aye; Bruce Bond, aye; Michael Mandel, aye; Robert Dell, recused; Stephen Sweeney, absent and Michael McCrory, absent.

The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

**Dated: March 10, 2021**  
**Cheryl Coopersmith**  
**Town of Orangetown Planning Board**



3011510 S.MR370 NMO1  
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NMO150NVR0 JO NMO1



**PB#21-19: Tappan Plaza Subdivision Plan  
Final Subdivision Plan Approval Subject  
to Conditions/ Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision  
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**TO: Donald Brenner, 4 Independence Avenue, Tappan, New York  
FROM: Orangetown Planning Board**

**RE: Tappan Plaza Subdivision Plan:** The application of Lidl US, LLC, applicant, for Benbrooke, LLC, owner, for a Final Subdivision Plan Review. The site is to be known as "Tappan Plaza Subdivision Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 3-58 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lots 33, 34, 35, 36, 37 & 41 in the CS & LIO zoning district and the Route 303 Overlay Zone.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, March 10, 2021** the Board made the following determinations:

Ben Plumb, Ethan Schukoske and Donald Brenner appeared and testified. The Board received the following communications:

1. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R. A., A.I.A., Director, dated March 8, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 9, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated March 9, 2021.
4. Letter from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated March 10, 2021.
5. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated February 23, 2021.
6. Letter from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II, dated February 9, 2021.
7. Letter with attachments from the New York State Department of Transportation, signed by Jason Brenner, Assistant Engineer, dated March 4, 2021.
8. An email from Orange and Rockland Utilities from Alfred Gaddi, P.E., Principal Engineer, dated February 22, 2021.
9. A notice from Suez signed by Bill Prehoda, dated February 19, 2021.

301110 S.MR373 NMO1

32:11 V 12 APR 2021

NMO130NVA00 JO NMO1

**PB#21-19: Tappan Plaza Subdivision Plan  
Final Subdivision Plan Approval Subject  
to Conditions/ Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision  
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10. A project narrative prepared by the applicant.
11. Subdivision Plans prepared by Bohler Engineering, dated February 17, 2020, last revised September 10, 2020:
- C-01: Overall Subdivision Plan
  - C-02: Subdivision Plan Lot #1
  - C-03: Subdivision Plan Lot #2
  - C-04: Subdivision Plan Lot #3
  - C-05: Subdivision Plan Lot #4
  - C-06: Subdivision Plan Lot #5
  - C-07: Subdivision Plan Lot #6
12. Survey Plan prepared by JMC, dated November 21, 2019 ALTA-1 and ALTA-2
13. Copies of the following Board Decisions: ACABOR #21-01, Approved as Presented, dated January 7, 2021; ZBA #20-72, Building Height, Parking Spaces, Outdoor Loading Berth and Route 303 Overlay Zone Variances Approved, dated November 4, 2020; and PB #20-26, Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated June 10, 2020.

The Board reviewed the plans. The hearing was opened to the Public.

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Andrew Andrews seconded by Bruce Bond and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael McCrory, absent; Andrew Andrews, aye; Michael Mandel, aye; Robert Dell, aye; Bruce Bond, aye and Stephen Sweeney, absent.

**Reaffirmation of SEQRA:**

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (a) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

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**PB#21-19: Tappan Plaza Subdivision Plan  
Final Subdivision Plan Approval Subject  
to Conditions/ Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision**

**March 10, 2021**

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Bohler Engineering and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Sewer District No.1, Rockland County Drainage Agency No.1, Rockland County Department of Health, Rockland County Department of Planning, and having reviewed proposed Site Plan by prepared by Bohler Engineering a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael McCroly, absent; Andrew Andrews, aye; Michael Mandel, aye; Robert Dell, aye; Bruce Bond, aye and Stephen Sweeney, absent, the Board made a Negative Declaration pursuant to SEQRA.

**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **Final Subdivision Plan Approval Subject to the Following Conditions:**

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ORANGETOWN

**PB#21-19: Tappan Plaza Subdivision Plan  
Final Subdivision Plan Approval Subject  
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**Town of Orangetown Planning Board Decision  
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1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: ACABOR #21-01, Approved as Presented, dated January 7, 2021; ZBA #20-72, Building Height, Parking Spaces, Outdoor Loading Berth and Route 303 Overlay Zone Variances Approved, dated November 4, 2020; and PB #20-26, Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec, dated June 10, 2020.
5. The following items from the June 8, 2020 memorandum from Jane Slavin, Director of the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement have not been addressed:
  - The applicant shall provide an existing conditions survey plan showing only the existing lot lines and site conditions.
  - The Zoning districts shall be labeled and zoning boundaries shall be clearly delineated.
  - The site data chart on CO-1 shall include the section/block/lot and ownership of the lots, the zoning designations for each lot and the zoning bulk requirements.
  - The LIO zone lot plan diagram is not applicable and shall be removed.
  - Vicinity map must not be over 1"=400' per Chapter 21, Article III, Section 21.10(c).
  - The floodway and flood zones must be clearly delineated on the plan.

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**PB#21-19: Tappan Plaza Subdivision Plan  
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6. The applicant shall comply with PB #20-26 conditions:

#15. Existing conditions plan showing the site as is and including only the existing not proposed lot lines, utilities, etc.

#17. Shared/ cross easements for parking, ROW/ ingress/ egress, etc. shall be shown on easement plan. (A proposed easement drawing shall be shown on the plans showing all shared/proposed cross easements for parking, storm sewer, sanitary sewer Right of Way/ ingress/ egress, etc.)

#18. Legal agreements between all the lots shall be prepared for sanitary and storms sewer flow "transport" and maintenance between the proposed lots. These agreements shall include, but not limited to, a breakdown of responsibility, ownership, emergency contact information, etc.

#19. note shall be added to the Overall Subdivision Plan C-01 indicating the Source benchmark for the referenced datum, including the BM elevation.

#20. All of the Flood Zone, X, AE, etc. shall be for every building/ house including in the Subdivision Plan C-01 and drawings C-02, C-05 through C-07.

#21. The existing sanitary building connection shall be shown for every building/ house included in the Subdivision Plan, C-01 and drawings C-02, C-05 through C-07.

7. There are note leaders on drawing C-01 that do not have any notes "tied" to them. Again, DEME recommends a separate existing conditions plan, see above comments.

8. Although an easement plan was provided, no metes and bounds, owner information, beneficiary information for any of the proposed easements was provided on the plans. All of this information shall be provided on the plans.

9. Monuments shall be drawn and labeled at all subdivision corners and along the entire Right of Way. These shall be shown on drawings C-01 through C-07.

10. Although iron pins are called out at some property corner, no symbol is shown. A symbol for iron pins shall be added to the legends for subdivision drawings C-01 through C-07. Also, there is a note that says "By others" next to the iron pins that are labeled. This label is unclear and irrelevant. Iron pins, and the monumentation requested in the comment above, must be installed as part of the subdivision approval. It cannot be done later on by someone else. Iron pins shall be shown on drawing C-01 through C-07.

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11. Legends shall be added to all drawings.
12. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no further comments at this time.

**13. Drainage Review Recommendation - Brooker Engineering  
Drainage Review Recommendation:**

The proposed application has provided sufficient drainage information that demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. The Drainage Consultant, Brooker Engineering, therefore recommends that the Tappan Plaza Site Plan and Subdivision be approved for drainage at this time subject to the following comments.

This is the third drainage review report for this application. The last review was dated June 10, 2020. The site is located on the east side of Route 303, just north of the corporate limits with the Borough of Northvale in the State of New Jersey. The parcel is fully developed with a commercial building located along the east side of the lot and parking in front of the building along the west side of the lot. Storm drainage flows in a southerly direction to a piped storm system that discharges to the Sparkill Creek. Portions of stormwater runoff along the west side of the property flow to the drainage system in Route 303. The Sparkill Creek floodplain is a FEMA mapped stream on the site and the building has a history of flooding.

The northern portion of the building (former BBQ Bon Fahyr Buffet restaurant) is proposed to be removed and a new detached commercial building is proposed along the north side of the property. The parking lot is being reconfigured and grass islands are being added. A new driveway is proposed along the northeast corner of the property.

The existing drainage pattern is being maintained. The majority of the site discharges to the Sparkill Creek via the existing stormwater outfall, which will remain undisturbed. No work is proposed in the FEMA floodway.

The proposed action demonstrates that there is a net reduction in impervious surfaces of 5,902 SF based on the removal of pavement and addition of landscaped islands in the existing parking lot. This compensates for the increased pavement at the new access driveway at the northeast corner of the site. The applicant is proposing water quality treatment of portions of the disturbed area in the form of a Contech Cascade Separator. For this submission, the applicant has raised the first-floor elevation from 34.1 to 35.0. This meets the minimum two feet of freeboard requirement over the base flood elevation of 33.0. Brooker Engineering notes historical flooding observations in this area have shown flood elevations higher than elevation 33.0 (observed at approximately elevation 33.5.)

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**Continuation of Condition #13...**

**Project Comments**

1. As per the June 10, 2020 review, the 100-year floodplain shall be shown using the published elevation of 33.0 and delineated as per the site topography.
2. As per the June 10, 2020 review, an elevation certificate shall be provided for the proposed building.
3. Permits are required from the Local Floodplain Administrator and Rockland County Drainage Agency.
4. As per the June 10, 2020 review, additional detail shall be provided showing the drainage flow pattern along the east side of the parking lot, adjacent to the wetlands. It is not clear if stormwater runoff flows directly to the wetlands at low points, or is conveyed along the length of the parking lot to the catch basin along the south side of the parking lot with the top elevation of 28.69. the horizontal distance between contours 31 and 32 is 300 feet, resulting in a slope of less than 0.3%.
5. As per the June 10, 2020 review, provide details for the stormwater pump system to be used to convey stormwater runoff from the depression at the loading area at the southeast corner of the new building. It is possible floodwaters from the Sparkill Creek will surcharge this system.
6. Capacities of the on-site storm drainage system pipes have been provided as requested. Design flows at each pipe shall be added to ensure design flows to not exceed capacity.

14. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

- A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and any required permits obtained.
- As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- A review must be completed by the County of Drainage Agency, and any required permits obtained.
- A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
- If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

OFFICE SHERIFF NAOL

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**Continuation of Condition #14...**

- The floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
- Prior to the start of construction or grading, all soil and erosion control plan measures must be in place for the site. These measures must meet the latest edition (November 2026) of the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- All access and parking easements and/or agreements must be in place prior to construction, especially since the lot that will contain the supermarket has less than the required number of parking spaces.
- Areas delineated for snow removal must be clearly delineated on the Site Plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers.
- The existing lot line for parcels 35 and 36 must be delineated on the subdivision plan. A notation that the lot lines are to be disclaimed must also be provided.
- All proposed signage must be shown on the site plan, and conform to all Town requirements. The Bulk Table on sheet C-5 indicates a variance is required for the wall-mounted sign for the proposed supermarket. The Rockland County Department of Planning requests the opportunity to review the variances that are needed to implement the proposed subdivision, as required by NYS General Municipal Law, Section 239-m(3)(a)(v).
- The proposed plans shall comply with the Route 303 Overlay Zone, to the extent possible.
- The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line, especially along the western side of the site that borders New York State Route 303.
- The Bulk Tables provided on sheets C-3 and C-5 of the site plan indicates variances are required for the proposal. These table must be updated to state that the variances were granted on November 4, 2020, as ZBA #20-72.

15. Based upon the plans and information received, the Rockland County Highway Department has no comments.

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16. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required for development of this site. Please have the applicant submit an application to the RCDA immediately. Copies of the permit application form and Chapter 846; Rockland County Stream Control Act are being mailed to the property owner/ applicant with a copy of this letter and are also available at the County Website; within Highway Department, Drainage Division.

Please note that the Rockland County Stream Control Act, Chapter 846, requires all subdivision/ lot line changes maps be signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept same for filing. Please have the applicant/ owner file an application for Subdivision Plat Review and County Planning Certification Information forms with supporting documentation to the RCDA. These forms are available online at the Rockland County website within Highway Department, Drainage Division.

17. The New York State Department of Transportation (NYSDOT) has reviewed the updated plan, last revised February 3, 2021 and the traffic study for the proposed grocery store on Route 303 in the Tappan Plaza. At this time, the NYSDOT has no further comments and is ready to issue permits for the proposed grocery. The NYSDOT requested that basined on the increase of traffic in the area, the NYSDOT will require a new signal equipment at the intersection on Route 303 and Oak Tree Road. Please review the items attached to the NYSDOT letter of March 4, 2021 entitled "Item 683.08020104 – 3G/4G LTE Gateway Modern with Antenna", pages 1-3 and "Item 680-0400700 – Furnish and Install Electrical Disconnect/ Generator Transfer Switch", and included in the estimate cost of work in the Right of way. Please update the PERM-33.com description to show that as part of the project mitigation, that the developer will provide the NYSDOT 3G/4G LTE gateway modern with antenna and transfer switch.

18. Orange and Rockland Utilities (O&R) reviewed the submitted plans and offered the following: O&R has a gas main and multiple services feeding the complex of the proposed site. The developer shall contact O&R's new business department for service termination and relocation prior to the work. All code 753 rules must be followed.

19. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans and Board Decisions prior to signing the final plans.

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**20.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

**21. TREE PROTECTION:** The following note shall be placed on the Site Plan:  
The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - One (1) foot radius from trunk per inch DBH
  - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
    - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
    - Light Impacts Only – Installation of ¼ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

**22.** All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

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**PB#21-19: Tappan Plaza Subdivision Plan  
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23. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
24. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
25. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).
26. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
27. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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28. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

29. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

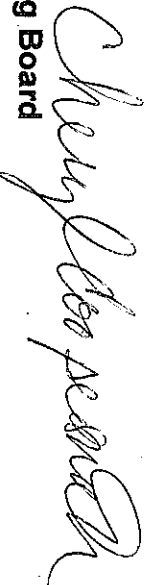
The foregoing Resolution was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, aye; Michael Mandel, aye; Robert Dell, aye; Andrew Andrews, aye; Michael McCrory, absent and Stephen Sweeney, absent.

The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

**Dated: March 10, 2021**

**Cheryl Coopersmith**

**Town of Orangetown Planning Board**



TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision**

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**TO: Donald Brenner, 4 Independence Avenue, Tappan, New York**  
**FROM: Orangetown Planning Board**

**RE: Tappan Plaza Site Plan:** The application of Lidl US, LLC, applicant, for Benbrooke, LLC, owner, for a Final Site Plan Review. The site is to be known as "Tappan Plaza Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 3-58 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lots 33, 34, 35, 36, 37 & 41 in the CS & LIO zoning district and the Route 303 Overlay Zone.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, March 10, 2021** the Board made the following determinations:

Ethan Schukoske, Ben Plumb and Donald Brenner appeared and testified. The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R. A., A.I.A., Director, dated March 8, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 9, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated March 9, 2021.
4. Letter from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated March 10, 2021.
5. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated February 23, 2021.
6. Letter from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II, dated February 9, 2021.
7. Letter with attachments from the New York State Department of Transportation, signed by Jason Brenner, Assistant Engineer, dated March 4, 2021.
8. An email from Orange and Rockland Utilities from Alfred Gaddi, P.E., Principal Engineer, dated February 22, 2021.
9. A notice from Suez signed by Bill Prehoda, dated February 19, 2021.

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10. Site Plans prepared by Bohler Engineering, dated December 4, 2019, last revised January 20, 2021:
  - EAS-1: Easement Plan
  - Sheet C-01 of 25: Cover Sheet
  - Sheet C-02 of 25: Demolition Plan
  - Sheet C-03 of 25: Overall Site Plan
  - Sheet C-04 of 25: Partial Site
  - Sheet C-05 of 25: Site Plan Zoning
  - Sheet C-06 of 25: Grading and Drainage Plan
  - Sheet C-07 of 25: Drainage Profile 1(A)
  - Sheet C-08 of 25: Drainage Profile 1(B)
  - Sheet C-09 of 25: Drainage Profile II
  - Sheet C-10 of 25: Drainage Profile III
  - Sheet C-11 of 25: Drainage Profile IV
  - Sheet C-12 of 25: Drainage Profile V
  - Sheet C-13 of 25: Utility Plan
  - Sheet C-14 of 25: Sanitary Profile I
  - Sheet C-15 of 25: Sanitary Profile II
  - Sheet C-16 of 25: Sanitary Profile III
  - Sheet C-17 of 25: Lighting Plan
  - Sheet C-18 of 25: Landscaping Plan
  - Sheet C-19 of 25: Landscaping Plan Notes
  - Sheet C-20 of 25: Soil Erosion & Sediment Control Plan Phase I
  - Sheet C-21 of 25: Soil Erosion & Sediment Control Plan Phase II
  - Sheet C-22 of 25: Soil Erosion & Sediment Control Plan Phase III
  - Sheet C-23 of 25: Detail Sheet I
  - Sheet C-24 of 25: Detail Sheet II
  - Sheet C-25 of 25: Detail Sheet III
11. Survey Plan prepared by JMC, dated November 21, 2019 ALTA-1 and ALTA-2
12. A Traffic Impact Analysis for LIDL, prepared by Atlantic Traffic & Design, dated April 17, 2021.
13. A Project Narrative prepared by Bohler Engineering.
14. Copies of the following Board Decisions: ACABOR #21-01, Approved as Presented, dated January 7, 2021; ZBA #20-72, Building Height, Parking Spaces, Outdoor Loading Berth and Route 303 Overly Zone Variances Approved, dated November 4, 2020; and PB #20-27, Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated June 10, 2020.

The Board reviewed the plans. The hearing was opened to the Public.

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There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by William Young, Vice Chairman seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael McCrory, absent; Andrew Andrews, aye; Michael Mandel, aye; Robert Dell, aye; Bruce Bond, aye and Stephen Sweeney, absent.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Bohler Engineering and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Sewer District No. 1, Rockland County Drainage Agency No. 1, Rockland County Department of Health, Rockland County Planning Department, and having reviewed proposed Site Plan by prepared by Bohler Engineering a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;

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- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael McCrory, absent; Andrew Andrews, aye; Michael Mandel, aye; Robert Dell, aye; Bruce Bond, aye and Stephen Sweeney, absent, the Board made a Negative Declaration pursuant to SEQRA.

**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **Final Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.

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**PB#21-20: Tappan Plaza Site Plan  
Final Site Plan Approval Subject  
to Conditions/ Reaffirmation of SEQRA**

**Permit #49664**

**Town of Orangetown Planning Board Decision**

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4. The Cross Walk noted on the Site Plan shall be constructed of Brick Pavers.
5. Two additional handicap parking spaces shall be added to the site. The parking spaces should be placed on the western side to the building and if the location does not comply with ADD regulations, then place them next to the proposed handicap parking spaces at the front of the building.
6. The fencing that fell down on the far easterly boundary shall be repaired by filling in the gaps with fencing, creating a continuous fence along the boundary.
7. The plantings proposed in front of Wendy's along Route 303, shall be planted on a berm. The plantings/berm shall be high enough to cut out the glare from vehicles on Route 303 and shall match the existing height of the grade with the rest of the landscaping along Route 303.
8. The Landscaping Plan shall note the sizes of the proposed type of tree/ plantings.
9. The Applicant shall provide an existing conditions survey plan showing only the existing lot lines and site conditions.
10. The Vicinity Map must not be over 1"=400'.
11. Dimensions to the existing freestanding sign shall be shown on the plan.
12. Dimensions shall be provided at the driveway at the south east corner of the proposed supermarket as it appears that the proposed two-way driveway is only 17'-0" in width.
13. Per 21A-13 (3), proposed building plans and elevations shall be submitted to confirm height of proposed supermarket and location of all proposed mechanical equipment.
14. A separate signage application shall be submitted.
15. The applicant still needs to comply with PB #20-27 conditions:  
#19- Explanation in the SWPPP of water quantity is being address and how Chapter 5 – Green Infrastructure – of the NYS Stormwater Management Design Manual (NYS SMDM) is being address. A full SWPPP is required for this site plan because the Short Environmental Assessment Form: Question 3b states that the project will disturb 3.54 acres AND it drains to the Sparkill Creek which, in this area, is on the NYSDEC 303d list of impaired waters (for pathogens and dissolved oxygen.) The SWPPP must be prepared and sealed by a NYS Licensed Professional Engineer, in compliance with the NYS Stormwater

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Continuation of Condition #15 (#19)...

Management Design Manual (NYS SMDA), the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (SPES GP-0-20-001) and NYS Standards and Specifications for Erosion and Sediment Control (Blue Book) and Town of Orangetown Town Code (Chapters 30C & 30D), shall be prepared for the proposed site plan. The SWPPP shall include water quality and water quantity measures, pre and post stormwater runoff calculations utilizing the current rainfall intensity values for this area (example 100 yr. – 9.07 inches/hour.) The SWPPP/ calculations shall design onsite storage to achieve zero net increase in runoff as well as describe by explanation and calculations, how Chapter 6 (Green Infrastructure) and 9 (Redevelopment of the NYS SMDM are satisfied by the stormwater management design.

#23. The location of the 100-yr. flood zone shall be clearly shown on all appropriate Drawings.

#24. The total area of disturbance (a.o.d.) shall be clearly shown/ defined on drawings C-02 to C-04, C-07 to C-16, C-19 to C-21 as well as being listed on said drawings and spelled out in a table for the SWPPP. As a reminder, the total a.o.d. shall include all demolition, construction, utility installation, additional or removed pavement, curbing installation, new/ reconfigured islands, etc.)

#25. The SWPPP shall provide a table showing the breakdown (in acres) for the existing pervious and impervious area in the work zone and the post construction pervious and impervious areas.

#27. The NYSDEC stream classification for the Sparkill Creek shall be labeled on Drawing C-07.

#28. All existing (light line) and proposed easements, related to this site plan shall be shown on drawings C-03 to C-04, C-06 to C-16, C-20 to C-21.

#29. Legal agreements between all the lots related to this site plan shall be prepared for sanitary and storms sewer flow “transport” and maintenance between the proposed lots. These agreements shall include, but not limited to, a breakdown of responsibility, ownership, emergency contact information, etc.

#31. The SESC drawings shall be as a larger scale to more clearly show all of the proposed SESC features (similar to the drainage drawings.)

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Continuation of Condition #15 ...

#36. A note shall be added to the plans: C-01, C-02, C-04, C-06, C-14 through C-16, stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours prior to any and all sewer work being performed in connection with this site plan.

#38. A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the proposed stormwater systems, shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be submitted to DEME, etc.

#39. Iron pins shall be drawn and labeled at each property corner.

#40. The datum for the contours shall be given. Also, a note shall be added to the plans indicating the source benchmark for the referenced datum, including the BM elevation.

16. The SWPPP provided is under review by DEME. A formal review shall be sent to the applicant's engineer under separate cover. However, below is a tentative list of corrections/ additions needed to the SWPPP:

- a. The second sentence in the 3<sup>rd</sup> paragraph of the Engineer's Summary, at the very beginning of the SWPPP states that "... The NYSDEC does not require any additional requirements be met due to the site's inclusion in a TDML/ impaired waterbody..." The applicant's engineer shall provide correspondence from the NYSDEC confirming this determination/ statement. A copy of said correspondence shall be sent to DEME and included with the SWPPP.
- b) As the runoff from the site flows to the Sparkkill Creek, which is as previously stated, a listed TDML/ Impaired waterway, the SWPPP shall thoroughly explain how nutrient loads will be reduced during and after construction.
- c) The total reduction in impervious surfaces (in SQ Ft and acres) that will be achieved due to the proposed construction, shall be listed in the Engineer's summary, the Introduction, B. Proposed Conditions and any other appropriate locations within the SWPPP, as well as being listed on the drawings (C-03, C-06, C-20 through C-22, etc.)
- d) The total area of disturbance (a.o.d.) shall be clearly spelled out in a table in the SWPPP.
- e) The SWPPP and the drawings shall explain – where/how and show the amount of pervious area that will be created/ increased due to the proposed construction.
- f) The SWPPP shall clearly explain why no proposed post construction stormwater quantity measures have been designed for the proposed project. Calculations bolstering this determination shall be added to the SWPPP.

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Continuation of Condition #16...

- g) Some of the rainfall intensity values used in the calculations is incorrect/out-of-date. The correct values are as follows: 25 year- 6.39, 50 year- 7.61 and 100 year- 9.07.
  - h) Full pre and post construction stormwater calculations (for water quantity and quality), with pre and post, tabular and graphical hydrographs shall be provided in the SWPPP. These required items shall be placed in separate/ individual appendices.
  - i) Full design, installation and maintenance details for the proposed stormwater quality system/ feature shall be made part of the SWPPP and included in a separate appendix.
  - j) An appendix shall be included containing the required "during" construction checklist for all of the proposed stormwater management facilities as well as all of the proposed soil erosion and sediment control features.
  - k) An appendix shall be included containing the required post construction checklist for all of the proposed stormwater management facilities: infiltration, pond, catch basin, piping, etc.
  - l) The drainage calculations shall include storage-elevation tables and curves for the stormwater system/ water quality (WQ) practices.
  - m) There are two (2) Appendix 5s listed in the Table of Contents.
  - n) The project narrative shall include the name and address and contact information of the site owner.
  - o) The SWPPP border cover page shall include the name of the Project.
17. The location of the 100-foot buffer for the Sparkill Creek shall be shown on drawings C-02, C-04, C-06- C-07. Although the buffer line is present on drawings C-17 & C-18, it is not labeled. It shall be labeled on those drawings.
18. An existing conditions plan shall be added to the drawing set showing the site as is and including only the existing, not proposed, lot lines.
19. The proposed drainage piping between drainage structure A-9 and A-14 is missing on all of the drawings.
20. It is unclear on drawing C-11 exactly what the proposed 53 LF of 8 PVC drainage pipe is connection to on the north side of Birch Tree Road. A blow-up of this connection shall be given on the plans.
21. Due to the number of connections to drainage manhole A-2, a separate detail for this manhole, showing all the proposed connections with related inverts, tip elevations and connection locations.

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22. There are some drainage profiles missing from the multiple lines entering into drainage manhole A-2. These shall be added to the drawings. Also, the profile for catch basins A-6 to A-7 is missing.
23. Drawing C-20 and C-21 depict silt fencing and a construction entrance being installed in/ on existing pavement. This is not acceptable. The drawings shall be revised accordingly.
24. Separate sanitary manhole details shall be added to the drawings, one precast – for new manholes (e.g. S-8, S-9, etc.) and one private doghouse manhole (e.g. S-14, etc.) and one for the public doghouse manhole (S-10.) Also, the manhole frame and cover detail incorrectly labeled the manhole covers as “Branchburg Township.” As stated in DEME’s previous review, only the Sanitary Sewer and year should appear on all new private manholes.
25. Drawing C-13 has some of the new sanitary building connection for the new supermarket correctly labeled as 6-inch diameter SDR-35 pipe. However, the profile on drawing C-14 has the proposed building connection piping labeled as 4-inch diameter. This discrepancy shall be corrected.
26. The proposed sanitary lines shall be more clearly highlighted on drawing C-15 and C-16, like they are on drawing C-14.
27. A profile for the proposed sanitary piping from manhole S-8 to S-14 is missing from the drawings.
28. Sanitary cleanouts, S-3, S-4 and S-6 shall be depicted more clearly, like cleanout S-7 is on drawing C-14, on all of the drawings.
29. Proposed sanitary manhole S-10 shall be labeled as a doghouse manhole, wherever it is shown and labeled on the plans.
30. The applicant shall contact the Junior Public Health Engineer to coordinate the design and sizing of the proposed sanitary grease trap.
31. Legends shall be added to drawing C-03, C-07 through C-12, and C-14 through C-16.
32. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted documents and has no further comments at this time.

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**33. Drainage Review Recommendation - Brooker Engineering  
Drainage Review Recommendation:**

The proposed application has provided sufficient drainage information that demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. The Drainage Consultant, Brooker Engineering, therefore recommends that the Tappan Plaza Site Plan and Subdivision be approved for drainage at this time subject to the following comments.

This is the third drainage review report for this application. The last review was dated June 10, 2020. The site is located on the east side of Route 303, just north of the corporate limits with the Borough of Northvale in the State of New Jersey. The parcel is fully developed with a commercial building located along the east side of the lot and parking in front of the building along the west side of the lot. Storm drainage flows in a southerly direction to a piped storm system that discharges to the Sparkill Creek. Portions of stormwater runoff along the west side of the property flow to the drainage system in Route 303. The Sparkill Creek floodplain is a FEMA mapped stream on the site and the building has a history of flooding.

The northern portion of the building (former BBQ Bon Fahyr Buffet restaurant) is proposed to be removed and a new detached commercial building is proposed along the north side of the property. The parking lot is being reconfigured and grass islands are being added. A new driveway is proposed along the northeast corner of the property.

The existing drainage pattern is being maintained. The majority of the site discharges to the Sparkill Creek via the existing stormwater outfall, which will remain undisturbed. No work is proposed in the FEMA floodway.

The proposed action demonstrates that there is a net reduction in impervious surfaces of 5,902 SF based on the removal of pavement and addition of landscaped islands in the existing parking lot. This compensates for the increased pavement at the new access driveway at the northeast corner of the site. The applicant is proposing water quality treatment of portions of the disturbed area in the form of a Contech Cascade Separator. For this submission, the applicant has raised the first-floor elevation from 34.1 to 35.0. This meets the minimum two feet of freeboard requirement over the base flood elevation of 33.0. Brooker Engineering notes historical flooding observations in this area have shown flood elevations higher than elevation 33.0 (observed at approximately elevation 33.5).

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**Continuation of Condition #33...**

**Project Comments**

1. As per the June 10, 2020 review, the 100-year floodplain shall be shown using the published elevation of 33.0 and delineated as per the site topography.
  2. As per the June 10, 2020 review, an elevation certificate shall be provided for the proposed building.
  3. Permits are required from the Local Floodplain Administrator and Rockland County Drainage Agency.
  4. As per the June 10, 2020 review, additional detail shall be provided showing the drainage flow pattern along the east side of the parking lot, adjacent to the wetlands. It is not clear if stormwater runoff flows directly to the wetlands at low points, or is conveyed along the length of the parking lot to the catch basin along the south side of the parking lot with the top elevation of 28.69. the horizontal distance between contours 31 and 32 is 300 feet, resulting in a slope of less than 0.3%.
  5. As per the June 10, 2020 review, provide details for the stormwater pump system to be used to convey stormwater runoff from the depression at the loading area at the southeast corner of the new building. It is possible floodwaters from the Sparkill Creek will surcharge this system.
  6. Capacities of the on-site storm drainage system pipes have been provided as requested. Design flows at each pipe shall be added to ensure design flows to not exceed capacity.
34. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and any required permits obtained.
  - As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County clerk can accept the plan to be filed.
  - A review must be completed by the County of Drainage Agency, and any required permits obtained.
  - A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
  - If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

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Continuation of Condition #34...

- The floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
- Prior to the start of construction or grading, all soil and erosion control plan measures must be in place for the site. These measures must meet the latest edition (November 2026) of the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- All access and parking easements and/or agreements must be in place prior to construction, especially since the lot that will contain the supermarket has less than the required number of parking spaces.
- Areas delineated for snow removal must be clearly delineated on the Site Plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers.
- The existing lot line for parcels 35 and 36 must be delineated on the subdivision plan. A notation that the lot lines are to be disclaimed must also be provided.
- All proposed signage must be shown on the site plan, and conform to all Town requirements. The Bulk Table on sheet C-5 indicates a variance is required for the wall-mounted sign for the proposed supermarket. The Rockland County Department of Planning requests the opportunity to review the variances that are needed to implement the proposed subdivision, as required by NYS General Municipal Law, Section 239-m(3)(a)(v).
- The proposed plans shall comply with the Route 303 Overlay Zone, to the extent possible.
- The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line, especially along the western side of the site that borders New York State Route 303.
- The Bulk Tables provided on sheets C-3 and C-5 of the site plan indicates variances are required for the proposal. These table must be updated to state that the variances were granted on November 4, 2020, as ZBA#20-72.

35. Based upon the plans and information received, the Rockland County Highway Department has no comments.

OFFICE SUPERVISOR

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TOWN OF ORANGETOWN



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36. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required for development of this site. Please have the applicant submit an application to the RCDA immediately. Copies of the permit application form and Chapter 846; Rockland County Stream Control Act are being mailed to the property owner/ applicant with a copy of this letter and are also available at the County Website, within Highway Department, Drainage Division.

Please note that the Rockland County Stream Control Act, Chapter 846, requires all subdivision/ lot line changes maps be signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept same for filing. Please have the applicant/ owner file an application for Subdivision Plat Review and County Planning Certification Information forms with supporting documentation to the RCDA. These forms are available online at the Rockland County website within Highway Department, Drainage Division.

37. The New York State Department of Transportation (NYSDOT) has reviewed the updated plan, last revised February 3, 2021 and the traffic study for the proposed grocery store on Route 303 in the Tappan Plaza. At this time, the NYSDOT has no further comments and is ready to issue permits for the proposed grocery. The NYSDOT requested that based on the increase of traffic in the area, the NYSDOT will require a new signal equipment at the intersection on Route 303 and Oak Tree Road. Please review the items attached to the NYSDOT letter of March 4, 2021 entitled "Item 683.08020104 – 3G/4G LTE Gateway Modem with Antenna", pages 1-3 and "Item 680-0400700 – Furnish and Install Electrical Disconnect/ Generator Transfer Switch", and included in the estimate cost of work in the Right of way. Please update the PERM-33.com description to show that as part of the project mitigation, that the developer will provide the NYSDOT 3G/4G LTE gateway modem with antenna and transfer switch.

38. Orange and Rockland Utilities (O&R) reviewed the submitted plans and offered the following: O&R has a gas main and multiple services feeding the complex of the proposed site. The developer shall contact O&R's new business department for service termination and relocation prior to the work. All code 753 rules must be followed.

39. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.

ENGINEERING OFFICE

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40. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plans.

41. TREE PROTECTION: The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - One (1) foot radius from trunk per inch DBH
  - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
    - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
    - Light Impacts Only – Installation of  $\frac{3}{4}$  inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

42. All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

OFFICE SECRETARY

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TOWN OF ORANGETOWN

**PB#21-20: Tappan Plaza Site Plan  
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43. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
44. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
45. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).
46. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
47. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
48. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

OFFICE SHERIDAN

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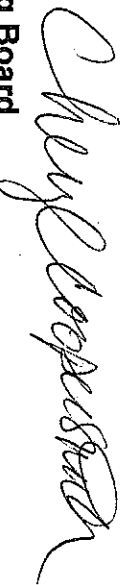
49. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

The foregoing Resolution was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, aye; Michael Mandel, aye; Robert Dell, aye; Andrew Andrews, aye; Michael McCroly, absent and Stephen Sweeney, absent.

The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: March 10, 2021

Cheryl Coopersmith  
Town of Orangetown Planning Board



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